

**THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**DUANE TACKETT,**

**Petitioner,**

**v.**

**MITCHELL MARTIN, WARDEN,**

**Respondent.**

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**Civil Action  
No. 5:08-cv-411 (CAR)**

**ORDER ON RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 17] to grant Respondent's Motion to Dismiss [Doc. 13] the instant Petition for Writ of Habeas Corpus. Petitioner has not entered an objection to the Recommendation. Upon review of the Recommendation and consideration of the matter, the Court agrees with the findings and conclusions of the United States Magistrate Judge. The Recommendation is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**. Respondent's Motion to Dismiss is hereby **GRANTED**, and the Petition is **DISMISSED** as untimely.

It is SO ORDERED this 9th day of February, 2010.

S/ C. Ashley Royal  
C. ASHLEY ROYAL, JUDGE  
UNITED STATES DISTRICT COURT

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